

FILED

JUL 14 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

CYNTHIA M. FREY (CABN 150571)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: cynthia.frey@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK DANIEL ROMERO,

Defendant.

No. CR 11-70745 MEJ

STIPULATION AND [PROPOSED]
ORDER WAIVING TIME FOR HEARING
ON DETENTION AND EXCLUDING
TIME FROM JULY 13, 2011 TO JULY 27,
2011 UNDER RULE 5.1 AND FROM
CALCULATIONS UNDER THE SPEEDY
TRIAL ACT

The defendant, Frank Daniel Romero, represented by Douglas Rappaport, and the government, represented by Cynthia Frey, Assistant United States Attorney, appeared before the Honorable Timothy J. Bommer on July 13, 2011 for an initial appearance on a criminal complaint. The defendant asked that the matter be continued to July 27, 2011 for an identification of counsel and a detention hearing. The defendant also agreed to exclude time under the Federal Rule of Criminal Procedure 5.1 to hold a preliminary hearing, and under 18 U.S.C. § 3161, the Speedy Trial Act. The defendant also waived time under 18 U.S.C. §

STIPULATION AND [PROPOSED] ORDER
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3142(f)(2) within which to hold a detention hearing. The Court ordered the matter be continued to July 12, 2011 for an identification of counsel and a detention hearing.

The defendant believes that good cause exists for excluding time under Rule 5.1 for a preliminary hearing between July 13, 2011 and July 27, 2011 and for a continuance of the detention hearing under 18 U.S.C. § 3142(f)(2). The parties also agreed that an exclusion of time is appropriate under the Speedy Trial Act between July 13, 2011 and July 27, 2011 for purposes of continuity of counsel and effective preparation of counsel, in order to provide defense counsel with adequate time to review the discovery, conduct an investigation, and consult with the defendant. In addition, the defendant agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represent that granting the continuance, in order to provide defense counsel with adequate time to review the discovery, conduct additional investigation, and consult with the defendant, is necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

DATED: July 14, 2011

/S/
FRANK DANIEL ROMERO
Defendant

MELINDA HAAG
United States Attorney

DATED: July 13, 2011

/S/
CYNTHIA M. FREY
Assistant United States Attorney

DATED: July 13, 2011

/S/
DOUGLAS RAPPAPORT
Attorney for FRANK DANIEL ROMERO

13 (1) time is appropriately excluded under Rule 5.1 between July 13, and July 27, 2011
14 within which to hold a preliminary hearing;

15 (2) the detention hearing is continued to July 27, 2011 pursuant to 18 U.S.C. §
16 3142(f)(2); and

(3) time is appropriately excluded under the time between July 13, 2011 and July 27, 2011 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

7/14/11


HONORABLE TIMOTHY J. BOMMER
United States District Magistrate Judge